

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

THE NEW YORK TIMES COMPANY,

Plaintiff,

v.

MICROSOFT CORPORATION, OPENAI,  
INC., OPENAI LP, OPENAI GP, LLC,  
OPENAI, LLC, OPENAI OPCO LLC,  
OPENAI GLOBAL LLC, OAI  
CORPORATION, LLC, OPENAI  
HOLDINGS, LLC,

Defendants.

Civil Action No. 1:23-cv-11195-SHS-OTW

**OPENAI’S MOTION FOR LEAVE TO FILE UNDER SEAL**

Under paragraph 22 of the Protective Order in this case (ECF 127) and Section 5.B of this Court’s Individual Practices, Defendant OpenAI<sup>1</sup> respectfully seeks to provisionally file under seal a portion of its letter-motion and accompanying exhibits. The letter-motion seeks a pre-motion conference to address the New York Times’s (“the Times”) deficient designation of custodians and refusal to collect pre-2022 documents for key custodians. OpenAI seeks to file portions of the letter-motion and accompanying exhibits under seal because the letter-motion discusses, and the accompanying exhibits contain, documents that the Times designated as Protected Discovery Material under the Protective Order. ECF 127 ¶ 22. OpenAI does not affirmatively seek to seal any material. Under the Protective Order, the Times has five business

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<sup>1</sup> “OpenAI” refers collectively to Defendants OpenAI, Inc.; OpenAI LP; OpenAI GP, LLC; OpenAI, LLC; OpenAI OpCo, LLC; OpenAI Global LLC; OpenAI Corporation LLC; and OpenAI Holdings, LLC.

days to file a statement of reasons for why the material should be sealed. *Id.* OpenAI will review the Times's filings, and if necessary, confer about any disagreement.<sup>2</sup>

KEKER, VAN NEST & PETERS LLP

Dated: January 13, 2024

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<sup>2</sup> On January 10, the Court directed the parties “to include in any future motion to seal a description in the motion itself of the types of information the moving party seeks to seal with direct references to specific ECF numbers.” ECF 378. As set forth above, OpenAI files the instant motion to provisionally seal documents that the Times has designated confidential under the Protective Order; OpenAI does not affirmatively seek to seal any of its own materials. OpenAI therefore understands that the Times will include the requested description in its response to the instant motion.

Dated: January 13, 2024

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